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Attorneys for Plaintiffs
JAMES DAY and JENNIFER DAY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JAMES DAY and JENNIFER DAY,

Plaintiffs,

vs.

KATHY CHRISTIANSEN;
MACARTHUR & COMPANY INC.
dba MACARTHUR SOTHEBY'S
INTERNATIONAL REALTY, a
Hawai'i corporation,

Defendants.

Case No. CV19-00070 LEK-KJM

**REPORT OF THE PARTIES'
PLANNING MEETING**

Scheduling Conference

Date: April 8, 2019

Time: 9:30 a.m.

Judge: Hon. Kenneth J. Mansfield

REPORT OF THE PARTIES' PLANNING MEETING

Plaintiffs JAMES DAY and JENNIFER DAY ("**Plaintiffs**"), hereby submit this Report of the Parties' Planning Meeting pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Rule 26.1 of the Local Rules of Practice for the United States District Court for the District of Hawai'i.

I. MEETING

Counsel for the parties conferred by telephone on Thursday, March 14, 2019 at 10:30 a.m. Maile Osika, Esq. participated on behalf of Plaintiffs. Arthur Kuwahara, Esq. participated on behalf of Defendants KATHY CHRISTIANSEN and MACARTHUR & COMPANY INC. dba MacArthur Sotheby's International Realty ("**Defendants**").

II. DISCOVERY PLAN

Pursuant to FRCP Rule 26(f)(3), the parties discussed the following views and proposals on a discovery plan:

A. Initial Disclosures (FRCP Rule 26(f)(3)(A))

The Parties agreed to exchange initial disclosures on March 28, 2019, within 14 days after the parties' FRCP Rule 26(f) conference, as required by FRCP Rule 26(a)(1)(C).

B. Scope and Timing of Discovery (FRCP Rule 26(f)(3)(B))

The parties will conduct customary discovery on the claims and defenses asserted herein, and will attempt to resolve discovery disputes among themselves before bringing any disputes before the Court. The parties agreed to a discovery plan pursuant to this Court's normal practice, the FRCP, and the Local Rules. Both parties anticipate serving written discovery shortly. The parties also anticipate that expert witness reports and/or testimony may be required. The discovery deadlines should be set as usual in the ordinary course.

C. Electronic Discovery (FRCP Rule 26(f)(3)(C))

Plaintiffs requested that Defendants actively retain documents related to the parties claims and defenses. Similarly, Plaintiffs are preserving documents related to the parties claims and defenses in their possession.

The parties do not at this time anticipate issues concerning disclosure or discovery of electronically stored information (“ESI”) that will require the intervention of the Court. The parties agree to work together to produce ESI in a mutually beneficial format.

D. Privilege (FRCP Rule 26(f)(3)(D))

The parties discussed and do not anticipate any unusual issues concerning claims of privilege or of protection of trial-preparation materials. The

parties may consider the need for a stipulated protective order if responsive documents are identified as confidential in the course of discovery.

At this time, the parties do not anticipate any unusual issues concerning claims of privilege, work product, or of protection of trial-preparation materials.

E. Limitations on Discovery (FRCP 26(f)(3)(E))

At this time, the parties do not anticipate any need for changes in the limitations on discovery imposed under the FRCP or by Local Rules.

F. Other Orders (FRCP 26(f)(3)(F))

Any other orders, as may be necessary, should be set by order at the Scheduling Conference pursuant to this Court's normal practice and schedule, the FRCP, and the Local Rules.

III. OTHER MATTERS

Pursuant to LR26.1(c), the Parties discussed alternative dispute resolution options, including, without limitation, the option of participation in the court's mediation program. The parties are prepared to consider this matter further and discuss options at the Scheduling Conference.

The parties participated in pre-litigation mediation with Keith Hunter in early November 2018, but were unable to resolve this dispute.

At this point, the parties are open to an early settlement conference with the Magistrate Judge. The parties have and will continue to communicate regarding other matters related to discovery and other issues in advance of the Scheduling Conference.

DATED: Honolulu, Hawai'i, March 28, 2019.

/s/ Maile Osika

PAUL ALSTON

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Attorneys for Plaintiffs

JAMES DAY and JENNIFER DAY